

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1015 OF 2006

smt.Samabai Bapu Khandekar since
deceased by her heirs and Lrs
1.Smt.Harubai Vithal Satpute & ors. ...Appellants.

vs.

Balkrishna Hariba Khandekar. ...Respondent.

Mr.Tejpal S. Ingle, for Appellants.

CORAM: D.K.DESHMUKH &

DATED: 9th July, 2007.

P.C.:-

Both the Courts below have granted decree of declaration about adoption of defendant no.1. But the Appeal Court declined to grant decree of partition in the absence of necessary party. Admitted position is that all the parties

who had share in the property in the event of partition being ordered, were not joined to the suit. Therefore, there is no question of finding fault in the order of the Appeal Court. No substantial question of law arises. Petition is disposed of.

(D.K.DESHMUKH, J.)
